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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/441,106	11/16/1999	JOSEPH W. KUTER	LUCENT-01400	3860

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HAVERSTOCK & OWENS LLP
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EXAMINER

ANWAH, OLISA

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 11/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

13

Office Action Summary

Application No.

09/441,106

Applicant(s)

KUTER ET AL.

Examiner

Olisa Anwah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) 7-9 and 30-47 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 10-29 and 48-63 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1-6, 10-13, 16-25, 28, 29, 48-51, 54-58 and 61-63 are rejected under 35 U.S.C. § 102(e) as being unpatentable over Biselin et al, U.S. Patent No. 5668863 (hereinafter Biselin).

Regarding claim 1, Biselin discloses a method of bookmarking a voice message comprising the step of:

recording the voice message and marking the voice message in a first bookmark location with a first bookmark while recording the voice message such that a listener accesses the voice message at the first bookmark location by selecting the first bookmark (col. 7, lines 25-45).

Regarding claims 2-6 and 10-12, see col. 7, lines 25-45.

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Regarding claim 13, see col. 9, lines 28-33.

Regarding claim 16, see col. 9, lines 35-40.

Regarding claims 17-19, see col. 7, lines 25-45.

Regarding claim 22, Biselin discloses an apparatus for bookmarking a voice message comprising:

a storage media for storing the voice message (125);

a processing unit coupled to the storage media (110);

and a user interface (145) coupled to the processing unit such that a user places a first bookmark at a first bookmark location within the voice message using the user interface.

Regarding claims 23-25, see col. 7, lines 25-45.

Regarding claim 28, see col. 9, lines 35-40.

Regarding claim 29, see 145.

Regarding claim 48, Biselin discloses an apparatus for marking and accessing bookmarks within a voice message comprising:

a storage media to store the voice message (125);

a processing unit coupled to the storage media to automatically search for a predetermined content (col. 9, lines 28-33) and automatically bookmark located predetermined content within the voice message (col. 7, lines 25-30) and

a user interface coupled to the processing unit to access the voice message at the bookmark (145).

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Regarding claims 49-51, see col. 9, lines 28-33 and col. 7, lines 25-30.

Regarding claim 54, see 145.

Claim 55 is rejected for the same reasons as claim 48.

Claim 56 is rejected for the same reasons as claim 49.

Claim 57 is rejected for the same reasons as claim 50.

Claim 58 is rejected for the same reasons as claim 51.

Regarding claims 61-63, see col. 7, lines 25-45.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 14, 15, 26, 27, 52, 53, 59 and 60 are rejected under 35 U.S.C § 103(a) as being unpatentable over Biselin in view of Logan et al, U.S. Patent No. 6199076 (hereinafter Logan).

Regarding claim 14, Biselin as applied in claim 13 does not disclose the intelligent search includes a voice processing technique. Logan discloses the intelligent search includes a voice processing technique (col. 40, lines 40-65). Therefore it

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would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Biselin wherein the intelligent search includes a voice processing technique as taught by Logan. This modification allows the user to search the audio file using speech recognition technology as suggested by Logan.

Regarding claim 15, Logan discloses the voice processing technique utilizes a voice parameter, the voice parameter being selected from the group consisting word recognition and number recognition. Logan does not disclose the group also consists of an amplitude, a plosive, a pitch change and a combination thereof. "Official Notice" is taken that using an amplitude, a plosive, a pitch change and a combination of these parameters as voice processing voice parameters is both well known and old in the art. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Logan's voice processing voice parameters to include an amplitude, a plosive, a pitch change and a combination of these parameters. This modification aids in detecting a change in speakers as suggested by Logan.

5. Claim 21 is rejected under 35 U.S.C § 103(a) as being unpatentable over Biselin in view of Hanson, U.S. Patent No. 5922045 (hereinafter Biselin).

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Regarding claim 21, Biselin as applied in claim 1 does not disclose the first bookmark location is marked automatically by a search and locate pattern matching technique. However Hanson discloses the first bookmark location is marked automatically by a search and locate pattern matching technique (col. 4, lines 52-67). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Biselin wherein the first bookmark location is marked automatically by a search and locate pattern matching technique as taught by Hanson. This modification allows bookmarks to be created without user instructions as suggested by Hanson.

Response to Amendment

6. Applicant's arguments with respect to claims 1-6 and 10-29 have been considered but are deemed to be moot in view of the new grounds of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this

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action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 703-305-4814. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

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O.A.
Olisa Anwah
Patent Examiner
November 4, 2002

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

A handwritten signature in black ink, appearing to read 'Fan Tsang', with a stylized, flowing script.